

DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION



As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled COMPOSITE ARRAYS UTILIZING MICROSPHERES WITH A HYBRIDIZATION CHAMBER, the specification of which

(check ☐ is attached hereto.  
one)

☒ was filed on June 28, 2000 as  
Application Serial No. 09/606,369  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>PCT/US99/31022</u>	<u>PCT</u>	<u>28 December 1999</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 and §119 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/473,904</u>	<u>December 28, 1999</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>09/256,943</u>	<u>February 24, 1999</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>60/113,968</u>	<u>December 28, 1998</u>	<u>Abandoned</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Steven F. Caserza, Reg. No. 29,780; Edward N. Bachand, Reg. No. 37,085, R. Michael Ananian, Reg. No. 38,050, Robin M. Silva, Reg. No. 38,304; Michael A. Kaufman, Reg. No. 32,988; Maria S. Swiatek, Reg. No. 37,244; Todd A. Lorenz, Reg. No. 39,754; provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr, Hohbach, Test, Albritton & Herbert as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Direct all telephone calls to Robin M. Silva at (415) 781-1989.

Address all correspondence to:

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111

File No. A-67493-3/DJB/RMS/DCF

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name first

inventor: John R. Stuelpnagel  
Inventor's signature: *John R. Stuelpnagel*  
Date: 4/21/01  
Residence: Encinitas, CA  
Citizenship: USA  
Post Office Address: 38 Briggs Avenue, Encinitas, CA 92024

Full name of second

inventor: Mark S. Chee  
Inventor's signature: *Mark S. Chee*  
Date: 4/22/01  
Residence: Del Mar, CA  
Citizenship: Australia  
Post Office Address: 155 15th Street, No. 24, Del Mar, CA 92014

Full name of third

inventor: Steven R. Auger  
Inventor's signature: \_\_\_\_\_  
Date: \_\_\_\_\_  
Residence: Norwell, MA  
Citizenship: USA  
Post Office Address: 248 River Street, Norwell, Massachusetts 02061

Full name of fourth

inventor:

Gan G. Wang

Inventor's signature:

Date:

4-20-01

Residence:

San Diego, CA

Citizenship:

People's Republic of China

Post Office Address:

13043 Maritime Place, San Diego, CA 92130

Full name of fifth

inventor:

Laura S. Casas

Inventor's signature:

Laura S. Casas.

Date:

4-20-01

Residence:

Chula Vista, CA

Citizenship:

USA

Post Office Address:

1009 Plaza Sinuoso, Chula Vista, CA 91910

Full name of sixth

inventor:

Shawn Christopher Baker

Inventor's signature:

Shawn C. Baker

Date:

4/24/01

Residence:

San Diego, CA

Citizenship:

USA

Post Office Address:

11280 Carmel Creek Road, San Diego, CA 92130

Full name of seventh

inventor:

Robert C. Kain

Inventor's signature:

Robert C. Kain

Date:

4/19/01

Residence:

Del Mar, CA

Citizenship:

USA

Post Office Address:

13090 Via Grimaldi, Del Mar, CA 92014

1049039

DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

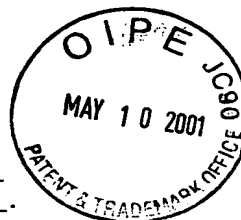
As a below-named inventor, I hereby declare that:

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(check ☐ is attached hereto.  
one)

☒ was filed on June 28, 2000 as  
Application Serial No. 09/606,369  
and was amended on \_\_\_\_\_  
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I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

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I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

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(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
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(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
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(Application Serial No.)	(Filing Date)	(Status)
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<u>09/256,943</u>	<u>February 24, 1999</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
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<u>60/113,968</u>	<u>December 28, 1998</u>	<u>Abandoned</u>
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Address all correspondence to:

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111

File No. A-67493-3/DJB/RMS/DCF

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

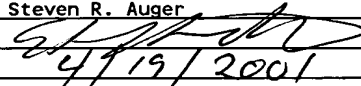
Full name first

inventor: John R. Stuelpnagel  
Inventor's signature: \_\_\_\_\_  
Date: \_\_\_\_\_  
Residence: Encinitas, CA  
Citizenship: USA  
Post Office Address: 38 Briggs Avenue, Encinitas, CA 92024

Full name of second

inventor: Mark S. Chee  
Inventor's signature: \_\_\_\_\_  
Date: \_\_\_\_\_  
Residence: Del Mar, CA  
Citizenship: Australia  
Post Office Address: 155 15th Street, No. 24, Del Mar, CA 92014

Full name of third

inventor: Steven R. Auger  
Inventor's signature:   
Date: 4/19/2001  
Residence: Norwell, MA  
Citizenship: USA  
Post Office Address: 248 River Street, Norwell, Massachusetts 02061

Full name of fourth  
inventor:  
Inventor's signature:  
Date:  
Residence:  
Citizenship:  
Post Office Address:

Gan G. Wang

Full name of fifth  
inventor:  
Inventor's signature:  
Date:  
Residence:  
Citizenship:  
Post Office Address:

Laura S. Casas

Full name of sixth  
inventor:  
Inventor's signature:  
Date:  
Residence:  
Citizenship:  
Post Office Address:

Shawn Christopher Baker

Full name of seventh  
inventor:  
Inventor's signature:  
Date:  
Residence:  
Citizenship:  
Post Office Address:

Robert C. Kain

1049039

**ASSIGNMENT**  
(NOT ACCOMPANYING APPLICATION)

WHEREAS, the undersigned, John R. Stuelpnagel, resident of Encinitas, County of San Diego, State of California; Mark S. Chee, resident of Del Mar, County of San Diego, State of California; Steven R. Auger, resident of Norwell, County of Plymouth, State of Massachusetts; Gan G. Wang, resident of San Diego, County of San Diego, State of California; Laura S. Casas, resident of Chula Vista, County of San Diego, State of California; Shawn Christopher Baker, resident of San Diego, County of San Diego, State of California, and Robert C. Kain, resident of Del Mar, County of San Diego, State of California (hereinafter termed "Inventors"), have invented certain new and useful improvements in COMPOSITE ARRAYS UTILIZING MICROSPHERES WITH A HYBRIDIZATION CHAMBER and has executed an application for a United States patent disclosing and identifying this invention and having Serial No. 09/606,369 and a filing date of June 28, 2000; and

WHEREAS, Illumina, Inc., a corporation of the State of California, having a place of business at 9390 Towne Centre Drive, Suite 200, San Diego, 92121, State of California, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventors' certificates and other forms of protection, including any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications, and every reissue or extensions of any of said patents (hereinafter termed "Patent Rights").

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do each hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to all Patent Rights.
2. Said Inventors hereby agree that each will, at Assignee's expense, (a) cooperate with Assignee in the prosecution and enforcement of the Patent Rights, and (b) execute, verify, testify, acknowledge and deliver all such further facts and documents, including applications, petitions, declarations, oaths and instruments of transfer necessary.
3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives and assigns.

4. Said Inventors each warrant and represent that he has not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee as follows:

Date: April 21, 2001

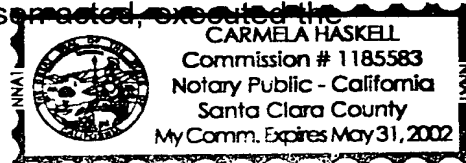
John R Stuelpnagel  
John R. Stuelpnagel

County of San Diego,       )  
  ) ss.  
State of California.       )

On this 21<sup>st</sup> day of April, in the year 2001, before me, Carmela Haskell, Notary Public of the State of California, personally appeared John R. Stuelpnagel, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Carmela Haskell



(seal)

Date: April 23, 2001

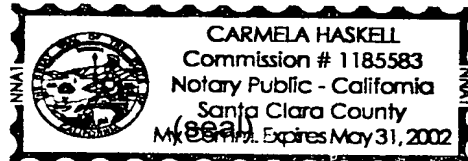
Mark S. Chee  
Mark S. Chee

County of San Diego,       )  
  ) ss.  
State of California.       )

On this 23<sup>rd</sup> day of April, in the year 2001, before me, Carmela Haskell, Notary Public of the State of California, personally appeared Mark S. Chee, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Carmela Haskell



(seal)





Date: April 20, 2001

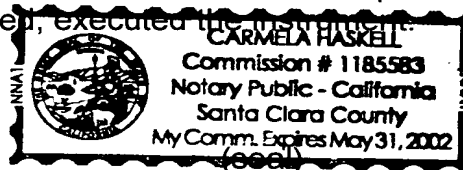
Laura S. Casas  
Laura S. Casas

County of San Diego,       )  
  ) ss.  
State of California.       )

On this 20<sup>th</sup> day of April, in the year 2001, before me, Carmela Haskell, Notary Public of the State of California, personally appeared Laura S. Casas, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Carmela Haskell



Date: April 24, 2001

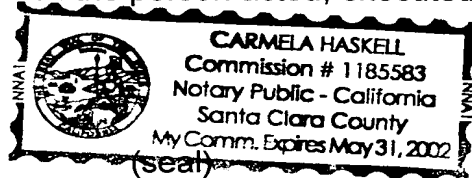
Shawn Christopher Baker  
Shawn Christopher Baker


County of San Diego,       )  
  ) ss.  
State of California.       )

On this 24<sup>th</sup> day of April, in the year 2001, before me, Carmela Haskell, Notary Public of the State of California, personally appeared Shawn Christopher Baker, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

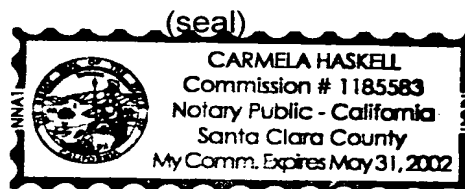
Signature Carmela Haskell



  
Robert C. Kain

On this 19<sup>th</sup> day of April, in the year 2001, before me, Carmela Haskell, Notary Public of the State of California, personally appeared Robert C. Kain, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Signature Carmela Asakull



-5-

**ASSIGNMENT**  
(NOT ACCOMPANYING APPLICATION)

WHEREAS, the undersigned, John R. Stuelpnagel, resident of Encinitas, County of San Diego, State of California; Mark S. Chee, resident of Del Mar, County of San Diego, State of California; Steven R. Auger, resident of Norwell, County of Plymouth, State of Massachusetts; Gan G. Wang, resident of San Diego, County of San Diego, State of California; Laura S. Casas, resident of Chula Vista, County of San Diego, State of California; Shawn Christopher Baker, resident of San Diego, County of San Diego, State of California, and Robert C. Kain, resident of Del Mar, County of San Diego, State of California (hereinafter termed "Inventors"), have invented certain new and useful improvements in COMPOSITE ARRAYS UTILIZING MICROSPHERES WITH A HYBRIDIZATION CHAMBER and has executed an application for a United States patent disclosing and identifying this invention and having Serial No. 09/606,369 and a filing date of June 28, 2000; and

WHEREAS, Illumina, Inc., a corporation of the State of California, having a place of business at 9390 Towne Centre Drive, Suite 200, San Diego, 92121, State of California, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventors' certificates and other forms of protection, including any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications, and every reissue or extensions of any of said patents (hereinafter termed "Patent Rights").

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do each hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to all Patent Rights.
2. Said Inventors hereby agree that each will, at Assignee's expense, (a) cooperate with Assignee in the prosecution and enforcement of the Patent Rights, and (b) execute, verify, testify, acknowledge and deliver all such further facts and documents, including applications, petitions, declarations, oaths and instruments of transfer necessary.
3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives and assigns.

4. Said Inventors each warrant and represent that he has not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee as follows:

Date: April \_\_, 2001

\_\_\_\_\_  
John R. Stuelpnagel

County of San Diego,       )  
  ) ss.  
State of California.       )

On this \_\_ day of April, in the year 2001, before me, \_\_\_\_\_, Notary Public of the State of California, personally appeared John R. Stuelpnagel, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (seal)

Date: April \_\_, 2001

\_\_\_\_\_  
Mark S. Chee

County of San Diego,       )  
  ) ss.  
State of California.       )

On this \_\_ day of April, in the year 2001, before me, \_\_\_\_\_, Notary Public of the State of California, personally appeared Mark S. Chee, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (seal)

Date: April 23, 2001

  
\_\_\_\_\_  
Steven R. Auger

County of Plymouth )  
 ) ss.  
State of Massachusetts )

On this 23 day of April, in the year 2001, before me, ~~STEVEN R. AUGER~~  
MARY MACKENZIE, Notary Public of the State of ~~California~~ Massachusetts, personally  
appeared Steven R. Auger, personally known to me to be the person whose name is  
subscribed to the within instrument, and acknowledged that he executed the same in  
his authorized capacity, and that by his signature on the instrument the person, or  
the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Mary Mackenzie (seal)  
my Commission Expires  
MARCH 15 2007

Date: April \_\_, 2001

\_\_\_\_\_  
Gan G. Wang

County of San Diego, )  
 ) ss.  
State of California. )

On this \_\_ day of April, in the year 2001, before me, \_\_\_\_\_  
\_\_\_\_\_, Notary Public of the State of California, personally  
appeared Gan G. Wang, personally known to me to be the person whose name is  
subscribed to the within instrument, and acknowledged that he executed the same in  
his authorized capacity, and that by his signature on the instrument the person, or  
the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (seal)

Date: April \_\_, 2001

\_\_\_\_\_  
Laura S. Casas

County of San Diego,       )  
                                      ) ss.  
State of California.       )

On this \_\_ day of April, in the year 2001, before me, \_\_\_\_\_,  
\_\_\_\_\_, Notary Public of the State of California, personally  
appeared Laura S. Casas, personally known to me to be the person whose name is  
subscribed to the within instrument, and acknowledged that he executed the same in  
his authorized capacity, and that by his signature on the instrument the person, or  
the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (seal)

Date: April \_\_, 2001

\_\_\_\_\_  
Shawn Christopher Baker

County of San Diego,       )  
                                      ) ss.  
State of California.       )

On this \_\_ day of April, in the year 2001, before me, \_\_\_\_\_,  
\_\_\_\_\_, Notary Public of the State of California, personally  
appeared Shawn Christopher Baker, personally known to me to be the person  
whose name is subscribed to the within instrument, and acknowledged that he  
executed the same in his authorized capacity, and that by his signature on the  
instrument the person, or the entity upon behalf of which the person acted, executed  
the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (seal)

Date: April \_\_, 2001

\_\_\_\_\_  
Robert C. Kain

County of San Diego,       )  
                                      ) ss.  
State of California.       )

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WITNESS my hand and official seal.

Signature \_\_\_\_\_

(seal)

A-67493-3/DJB/RMS/DCF  
1049038



**POWER OF ATTORNEY BY ASSIGNEE**  
(not accompanying application)

The undersigned assignee of the entire interest in application for letters patent entitled:  
COMPOSITE ARRAYS UTILIZING MICROSPHERES WITH A HYBRIDIZATION CHAMBER  
and having the named inventor(s): John R. STUELPNAGEL, Mark S. CHEE, Steven R. AUGER,  
Gan WANG, Laura CASAS, Shawn BAKER, and Robert C. KAIN  
and having Application No. 09/606,369 and filing date of June 28, 2000

hereby appoints the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith; said appointment to be to the exclusion of the inventor(s) and his (their) attorney(s) in accordance with the provisions of 37 CFR §1.32:

Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Steven F. Caserza, Reg. No. 29,780; Edward N. Bachand, Reg. No. 37,085; R. Michael Ananian, Reg. No. 38,050; Robin M. Silva, Reg. No. 38,304; Michael A. Kaufman, Reg. No. 32,988; Maria S. Swiatek, Reg. No. 37,244; and Todd A. Lorenz, Reg. No. 39,754; provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr Hohbach Test Albritton & Herbert LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

In accordance with 37 CFR §3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.


Direct all telephone calls to Robin M. Silva at 415-781-1989.

Address all correspondence to:

Robin M. Silva, Esq.  
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Four Embarcadero Center, Suite 3400  
San Francisco, California 94111-4187

Assignee: Illumina, Inc.

By: Noemi C. Espinosa  
(typed name)

Signature: 

Address: 9390 Towne Centre Drive, Suite 200, San Diego, California 92121

Date: 4-24-2001

File No. A-67493-3/DJB/RMS/DCF